

*REMARKS*

In response to the Official Action mailed October 24, 2003, Applicant amends his application and requests reconsideration. In this Response, no claims are added, canceled, or amended, so that claims 1-12 remain pending. No new matter has been added.

Claims 1-3 and 6-12 are allowed.

An accompanying replacement drawing sheet includes reference numeral 20 to point out the "face" depicted in Figure 3. This amendment is supported by the description of Figure 2 on page 3 of the substitute specification, as amended in the previous Amendment. Applicant notes that the face 20 is inherently included as the planar surface of the hoistway wall.

The Official Action objected to the drawings for failing to show every feature of claim 4. That objection is respectfully traversed. Applicant is unsure of what feature the Official Action alleges is missing; however, proposed Figure 3 shows all of the features of claim 4. Figure 3 shows a control panel 6 projecting into a hoistway 1 from a face 20 at least as far as protrusion 14. Figure 3 also shows control panel 6 located in the hoistway 1 above a highest position 19 reached by a vertical moving member 2 within the hoistway 1. Accordingly, the objection to the drawings should be withdrawn.

The Official Action objected to the amendment filed July 18, 2003, under 35 USC 132, as introducing new matter. The matter alleged to be new matter was added in the Amendment filed December 27, 2002 and not objected to in the Office Action mailed April 8, 2003.

In the substitute specification filed December 27, 2002, Applicant changed, *inter alia*, "of the first embodiment" to "according to an embodiment" in the description of Figure 2 under "Brief Description of the Drawings." Applicant also changed "of the second embodiment" to "according to an embodiment" in the description of Figure 3 under "Brief Description of the Drawings." The Official Action contends that these changes resulted in the addition of new matter. In this Amendment, the "Brief Description of the Drawings" is amended to undo those changes made in the Amendment filed December 27, 2002, and to make the application consistent and accurate. Accordingly, the objection should be withdrawn.

The Official Action rejected claims 4-5 under 35 USC 112, second paragraph, as indefinite. That rejection is respectfully traversed.

The Official Action asserts that the phrase "said control panel is located in the hoistway above a highest position reached by said vertical moving member" is not clearly understood, suggesting that the phrase is somehow inconsistent with claim 1. Claim 1 recites the position of the control panel as disposed on the face of the hoistway. Claim 4 recites the position of the control panel in more detail by delineating that not only is the control panel disposed on the face

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of the hoistway, it is disposed on the face of the hoistway above a highest position in the hoistway reachable by the elevator car. Thus, in claim 1 the control panel is merely located on the face of the hoistway. In claim 4, the control panel is at a location on the face of the hoistway that is higher than the highest position in the hoistway that the elevator car will reach. Applicant fails to find any inconsistency or indefiniteness, and maintains that claim 4 is clearly understandable.

The reference to claim language and particular figures at page 3 of the Official Action is not understood. There is no requirement that a claim directly read on a single figure. Some constraint, not found in the regulations, seems to be the origin of the rejection based on 35 USC 112, second paragraph. Since there is no statute, regulation, or practice supporting the rejection as understood, the rejection of claims 4 and 5 cannot be properly maintained. Upon reconsideration, the rejection of claim 4 and its dependent claim 5 should be withdrawn.

Reconsideration and allowance of the pending claims are earnestly solicited.

Respectfully submitted,



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Amendment or ROA - Regular (Revised 9/03/03)